

## REMARKS

### Claim Status

Claims 1-10, 13, 15, and 17-23 are pending. Of these, Claims 18-19 are presently withdrawn.

### Interview Summary

Applicants and their undersigned representative wish to thank Examiner Ha for the helpful and courteous telephone interview on September 22, 2009. In view of the informalities noted in the Terminal Disclaimers filed on September 9, 2009, Applicants submit herewith a replacement set of Terminal Disclaimers executed by an authorized representative of the Assignee pursuant to 37 CFR 1.321.

### Obviousness-Type Double-Patenting Rejections

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-94 of U.S. Patent No. 7,265,085 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 112-214 of U.S. PG Pub. 20080050772 (U.S. patent application no. 11/652,467) in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-155 of U.S. Patent No. 7,297,511 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-113 of U.S. Patent No. 7,226,903 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 10-32 of U.S. Patent No. 7,214,660 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-107 of U.S. Patent No. 7,179,617 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-94 of U.S. Patent No. 7,173,003 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 10-94 of U.S. Patent No. 7,157,277 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite

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Supplemental Response dated October 6, 2009

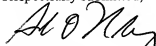
prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Should the Examiner have any continuing objections, the Applicants respectfully ask the Examiner to contact the undersigned at 415-442-1490 (direct line) in order to expedite allowance of the case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 101961-5126-US).

Respectfully submitted,



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